



DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
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REPLY TO
ATTENTION OF

AFLG-PR

6 January 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contracting Information Letter (CIL) 98-11, Contractors on the Battlefield

1. Reference enclosed memorandum dated 12 Dec 97, Contractors on the Battlefield.
2. Subject memorandum from Department of the Army is forwarded for your information and appropriate action.
3. For additional information, please contact LTC John Clemons, DSN 367-5510, com1 (404) 464-5510 or email at clemonsj@ftmcpnsn-emh1.army.mil.

CHARLES J. GUTA
Colonel, AC
Chief, Contracting Division, DCSLR
Principal Assistant Responsible
for Contracting

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DEPARTMENT OF THE ARMY

WASHINGTON, D.C. 20310

December 12, 1997



MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum - Contractors on the Battlefield

The purpose of this memorandum is to provide a consistent and uniform policy on the use of U.S. contractors to augment the support of U.S. Army operations and/or weapon systems. This policy applies to all U.S. Army elements and Department of the Army contractors. Likewise, it is applicable wherever U.S. Army elements are stationed or deployed during peacetime, war, or Military Operations Other Than War (MOOTW).

Lessons learned from recent military operations, including Operations Joint Endeavor and Desert Storm, indicate contracting and outsourcing may be effective Combat Service Support force multipliers. They can increase existing capabilities, provide new sources of supplies and services, and bridge gaps in the deployed force structure. In the event of emergency or contingency operations, contractor personnel may be required to perform services in a theater of operations. With this increased emphasis on the use of contractors comes the need to identify the doctrine, policies and procedures affecting the use of civilian contractors.

Civilian contractors may be employed in Areas of Operations (AO), as required, to support U.S. Army operations and/or weapon systems. Generally, civilian contractors will be assigned duties at Echelons-Above-Division (EAD). Should the senior military commander determine that their services are required at lower echelons, contractors may be temporarily deployed as far forward as needed, consistent with the terms of the contract and the tactical situation.

Command and Control within an AO will be executed by the military Chain-of-Command, which begins with the Theater Commander and extends to the lowest level of command responsible for personnel safety and mission accomplishment. For contractor personnel, command and control is dependent upon the terms and conditions of the contract. The Contracting Officer (KO) or the KO's designated representative(s) is the appointed liaison for monitoring contractor performance requirements and will ensure that contractors move materiel and personnel in accordance with the combatant commander's plan. In the event a contract's scope of work must be changed, the contract must be modified. The KO is the only government official with the authority to modify a contract.

Contractors are required to perform all tasks identified within the Statement of Work (SOW) and all other provisions defined within the contract. Contractors will comply with all applicable U.S. and/or international laws. During a declared war, civilian



contractors accompanying the U.S. Army may be subject to the Uniform Code of Military Justice (UCMJ).

When U.S. contractors are deployed from their home stations, in support of Army operations/weapon systems, the Army will provide or make available, on a reimbursable basis, force protection and support services commensurate with those provided to DOD civilian personnel to the extent authorized by law. These services may include but are not limited to non-routine medical/dental care; mess; quarters; special clothing, equipment, weapons or training mandated by the applicable commander; mail, and emergency notification. Planning must be accomplished to ensure agreed upon support to contractors is available to the responsible commander.

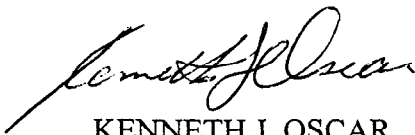
The following must be considered during the negotiating and drafting of any contract that requires the employment/deployment of civilian contractors to support U.S. Army operations/weapon systems:

- Areas of deployment (to include potential hostile areas) and their associated risks.
- Physical/Health limitations that may preclude contractor service in an theater of operations.
- Contractor personnel reporting and accountability systems to include plans to address contractor personnel shortages due to injury, death, illness, or legal action.
- Specific training or qualification(s) that will be required by civilian contractors to perform within a theater of operations, e.g. vehicle licensing, NBC, weapons.
- Reimbursement for government provided services, e.g. medical/dental.
- Interface between government and contractor Management Information Systems (MIS).
- A plan to transition from peacetime operations to operations during conflict, war, and/or MOOTW, and a subsequent plan to transition back to peacetime.
- A plan to transition mission accomplishment back to the government if the situation requires the removal of contractors.
- Preparation for Overseas Movement (POM), Points of Embarkation/Debarcation for U.S. contractors, deployment/re-deployment into/from theater, and deployment of all contractor personnel through the specified CONUS Replacement Center.
- When Status of Forces Agreements (SOFAs) do exist, they may not specifically address the status of contractor personnel. Contractor personnel status will depend on

the nature of the specific contingency operations and those applicable SOFA provisions.

Contractor employees accompanying U.S. Armed Forces may be subject to hostile actions. If, captured, a contractor's status will depend upon the type of conflict, applicability of any relevant international agreements, and the nature of the hostile force. The full protections granted to Prisoners of War (POWs) under the Geneva (1949) and Hague (1907) Conventions apply only during international armed conflicts between signatories to these conventions. Accordingly, these conventions are generally non-applicable during MOOTW. Therefore, contractor employee protection during MOOTW will depend on the specific circumstances of an operation. When the United States is a participant in an international armed conflict, contractors are entitled to be protected as POWs if captured by a force that is a Geneva/Hague Convention signatory. To ensure proper treatment, contractors will be provided with a Geneva Conventions (DD Form 489) or similar Identification Card.

U.S. contractor employees deployed to a theater of operations to perform public work under a contract (or subcontract) with the United States may qualify, if injured or killed while deployed, for Workers' Compensation under the Defense Base Act depending on the specific circumstances of incapacitation and the precise nature of the work being performed.



KENNETH J. OSCAR

Acting Assistant Secretary of the Army
(Research, Development and Acquisition)



ALMA B. MOORE

Acting Assistant Secretary of the Army
(Installations, Logistics and Environment)

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